IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20227 of 2004

Between:

K.Prabhakara Rao, s/o Chinnasubbanna,occ: Fair Price shop dealer
r/o Kalugotla Village, Veldurthy Mandal, Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Kurnool District.
3 The Mandal Revenue Officer, Veldurthi Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in proceedings Rc.B.874/2004 dt.13-9-2004 as illegal, arbitrary, malafide against the provisions of Control Order 2001and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the appeal before the 1st respondent.

Counsel for the Petitioner: MR.K.V.RAGHU VEER

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage smade the following :

ORDER:

Aggrieved by the order passed by the 2nd respondent-Revenue Divisional Officer, Kurnool District, dated 13-09-2004, where under the authorization of the petitioner was cancelled, this writ petition is filed.

Admittedly, the petitioner has preferred an appeal against the said order and the same is pending before the 1st respondent-Joint Collector, Kurnool District. Hence, the petitioner cannot be permitted to invoke the jurisdiction of this Court under Article 226 of the Constitution of India, challenging the very same order, against which the statutory appeal is still pending.

In the circumstances, without expressing any opinion on merits, the writ petition is disposed of with a direction to the 1st respondent to dispose of the appeal pending on his file, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till the appeal is disposed of, there shall be a direction to the respondents, not to make any appointment of dealer in respect of the fair price shop in question.

04-11-2004

vs

To

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Kurnool District.
3 The Mandal Revenue Officer, Veldurthi Mandal, Kurnool District.

4 2CCs to the G.P for Civil Supplies, High Court Buildings,

Hyderabad(O.U.T)

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